

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA, §
Plaintiff, §
v. § CIVIL ACTION NO. 7:20-cv-00380
§
1.839 ACRE OF LAND, MORE OR LESS, §
SITUATE IN STARR COUNTY, STATE OF §
TEXAS, THELMA R. PEREZ, *et al.*, §
Defendants. §

ORDER

Pursuant to the Court's previous orders, it is hereby **ORDERED, ADJUDGED AND DECREED** that:

1. The full and just compensation payable by the United States for the taking of Tract RGV-RGC-9072 shall be the sum of Fourteen Thousand, Three Hundred Forty-One and 00/100 Dollars (\$14,341.00) plus any accrued interest, which sum is all inclusive and in full satisfaction of any claims of whatsoever nature by the undersigned THELMA R. PEREZ against the United States for the institution and prosecution of the above-captioned action.
2. Judgment shall be and is hereby entered against the United States in the amount of Fourteen Thousand, Three Hundred Forty-One and 00/100 Dollars (\$14,341.00) plus any accrued interest for the taking of Tract RGV-RGC-9072.
3. The United States shall be and is hereby entitled to immediate possession of Tract RGV-RGC-9072 and all persons in possession or control of the interests taken in this property are hereby **ORDERED** to surrender possession of same to the United States of the condemned estate:¹

¹ Dkt. No. 2-1 at 13, Schedule "E."

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

4. The total sum of Fourteen Thousand, Three Hundred Forty-One and 00/100 Dollars (\$14,341.00), with accrued interest, shall be subject to all taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable to and deductible from this amount, including the outstanding delinquent ad valorem taxes or assessments owing as to Tract RGV- RGC-9072 under the following account:²

Account Number: **0041931** in the amount **of \$2,415.15** (as of December 2020) owed to Defendant Ameida Salinas, Starr County Tax Assessor- Collector.

5. The stipulated just compensation remains on deposit in the Court's Registry. The Clerk of Court shall now, without further order of the Court, disburse the total sum of **Fourteen Thousand, Three Hundred Forty-One and 00/100 Dollars (\$14,341.00), along with any accrued interest earned thereon while on deposit**, payable to the order of
 - i. **\$2,415.15** to Starr County Tax Office; and
 - ii. **\$11,925.85** with accrued interest, to THELMA R. PEREZ.

6. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interest in the property taken in this proceeding, THELMA R. PEREZ shall refund into the Registry of the Court the

² See Dkt. No. Dkt. Nos. 64-28; 73 at 9.

compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by THELMA R. PEREZ, to the date of repayment into the Registry of the Court.

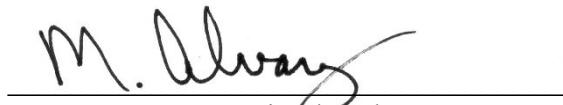
7. THELMA R. PEREZ and AMEIDA SALINAS, STARR COUNTY TAX ASSESSOR-COLLECTOR shall be responsible for their own legal fees, costs, and expenses, including attorney fees, consultant fees, and any other expenses or costs.
8. There being no other outstanding taxes or assessments due or owing on Tract RGV-RGC-9072, THELMA R. PEREZ is responsible for the payment of any additional taxes or assessments which she otherwise owes on the interest in the property taken in this proceeding on the date of taking.
9. THELMA R. PEREZ shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulated judgment.
10. THELMA R. PEREZ shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interest in the property taken in this proceeding on the date of taking.
11. This final judgment is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of THELMA R. PEREZ

12. All issues have been resolved as to Tract RGV-RGC-9072, including any delinquent taxes and charges. Accordingly, the claims and interests of Defendants THELMA R. PEREZ, Floridor Zamora, Arcadio Salinas, Viola Gloria Escalante Canales, Ovidio Escalante, Ernestina E. Bazan, Mary Rose Escalante Rivera, Ben Guadalupe Rodriguez, Jr., Venancio G. Rodriguez, III, Linda Carmen Charles, Miguel Jaime Rodriguez, Ruben Noe Trevino, Jr., Gloria Trevino Juarez, Olga Lee Lara, Nori A. Garcia, Dora Lynn Garcia, Hector Cantu, Jr., Krystal N. Hinojosa, Bryan Lopez, Roel Perez, Rosario Perez Lewis, Reynaldo Perez, III, Laura Perez McGee, Catarina Perez Rose, Rene Morales, Isidro Morales, Romeo Morales, Sylvia Morales Garza, and AMEIDA SALINAS, Starr County Tax Assessor-Collector Tax are hereby **resolved and there are no further issues to consider in this matter.**

All claims in this case having been resolved, the Court hereby renders final judgment in accordance with Federal Rule of Civil Procedure 54. This case is terminated, and the Clerk of the Court is instructed to close the case.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 13th day of September 2021.



Micaela Alvarez
United States District Judge

